

Senate Bill 123

By: Senators Ligon, Jr. of the 3rd, Watson of the 1st, Kirk of the 13th, Orrock of the 36th, Jones of the 25th and others

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to waste management, so as to eliminate the coal ash surcharge imposed by host local governments regarding municipal solid waste disposal facilities operated by private enterprise; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to waste management, is amended by revising paragraph (1) of subsection (d) of Code Section 12-8-39, relating to cost reimbursement fees and surcharges, as follows:

"(d)(1)(A) Until June 30, 2019, when a municipal solid waste disposal facility is operated by private enterprise, the host local government is authorized and required to impose a surcharge of \$1.00 per ton or volume equivalent, in addition to any other negotiated charges or fees which shall be imposed by and paid to the host local government for the facility. Except as otherwise provided in ~~subparagraphs~~ subparagraph (B) ~~and (C)~~ of this paragraph, effective July 1, 2019, when a municipal solid waste disposal facility is owned by private enterprise, the host local government is authorized and required to impose a surcharge of \$2.50 per ton or volume equivalent, in addition to any other negotiated charges or fees which shall be imposed by and paid to the host local government for the facility.

~~(B) When a municipal solid waste disposal facility is operated by private enterprise, the host local government is authorized and required to impose a surcharge of \$1.00 per ton or volume equivalent until June 30, 2025, and a surcharge of \$2.00 per ton or volume equivalent effective July 1, 2025, for fly ash, bottom ash, boiler slag, or flue gas desulfurization materials generated from burning coal for the purpose of generating electricity by electric utilities and independent power producers, in addition to any other~~

26 ~~negotiated charges or fees which shall be imposed by and paid to the host local~~  
27 ~~government for the facility.~~  
28 ~~(C)(B)~~ When a municipal solid waste disposal facility is operated by private enterprise,  
29 the host local government is authorized and required to impose a surcharge of \$1.00 per  
30 ton or volume equivalent for construction or demolition waste or inert waste, in  
31 addition to any other negotiated charges or fees which shall be imposed by and paid to  
32 the host local government for the facility."

33 **SECTION 2.**

34 All laws and parts of laws in conflict with this Act are repealed.